

Draft August 27, 2018

1 Rule 50. ~~Brief in opposition~~ Response; reply brief; brief of amicus curiae.

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3 (a) ~~Brief in Opposition~~ Response. Within 30 days after service of a petition, the
4 respondent shall any other party may file a response to the petition an opposing brief. If
5 satisfaction of a petitioner's obligation to pay a required filing fee or to obtain a waiver of
6 that fee is accomplished after service, then the time for response shall run from the date
7 of satisfaction of that obligation. ~~Such brief~~ The response shall comply with Rules 27
8 and, as applicable, Rule 49. Seven copies of the response ~~brief in opposition~~, one of
9 which shall contain an original signature, shall be filed with the Clerk of the Supreme
10 Court. A party opposing or a party supporting a petition may so indicate by letter in lieu
11 of a formal response, but the letter shall not include any argument or analysis.

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13 (b) Page limitation. A ~~brief in opposition~~ response shall be as short as possible and may
14 not, in any single case, exceed 20 pages, excluding the subject index, the table of
15 authorities, ~~any verbatim quotations required by Rule 49(a)(7)~~, and the appendix.

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17 (c) Objections to jurisdiction. No motion by a respondent to dismiss a petition for a writ
18 of certiorari will be received. Objections to the jurisdiction of the Supreme Court to grant
19 the writ of certiorari petition may be included in the ~~brief in opposition~~ response.

20
21 ~~(d) Distribution of filings. Upon the filing of a brief in opposition, response the expiration~~
22 ~~of the time allowed therefor, or express waiver of the right to file, the petition and the~~
23 ~~brief in opposition, if any, will be distributed by the clerk for consideration. However, if a~~
24 ~~cross-petition for a writ of certiorari has been filed, distribution of both it and the petition~~
25 ~~for a writ certiorari will be delayed until the filing of a brief in opposition by the cross-~~
26 ~~respondent, the expiration of the time allowed therefor, or express waiver of the right to~~
27 ~~file.~~

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29 ~~(e) (d) Reply brief.~~ A reply brief addressed to arguments first raised in the ~~brief in~~
30 ~~opposition~~ response may be filed by any petitioner within fourteen days after service of

31 the response, but distribution under paragraph (d) of this rule of the petition and
32 response to the court ordinarily will not be delayed pending the filing of any such ~~brief~~
33 reply unless the response includes a new request for relief, such as an award of
34 attorney fees for the response. ~~Such brief~~ The reply shall be as short as possible, but
35 may not exceed five pages. ~~Such brief~~ and shall comply with Rule 27. The number of
36 copies to be filed shall be as described in Rule 50(a).

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38 ~~(f)~~ (e) Brief of amicus curiae. A brief of an amicus curiae concerning a petition for
39 certiorari may be filed only by leave of the Supreme Court granted on motion or at the
40 request of the Supreme Court. The motion for leave shall be accompanied by a
41 proposed amicus brief, not to exceed 20 pages, excluding the subject index, the table of
42 authorities, any verbatim quotations required by Rule 49(a)(7), and the appendix. The
43 proposed amicus brief shall comply with Rule 27, and, as applicable, Rule 49. The
44 number of copies of the proposed amicus brief submitted to the Supreme Court shall be
45 the same as dictated by Rule 48(f). A motion for leave shall identify the interest of the
46 applicant and shall state the reasons why a brief of an amicus curiae is desirable. The
47 motion for leave shall be filed on or before the date of the filing of the timely petition or
48 response of the party whose position the amicus curiae will support, unless the
49 Supreme Court for cause shown otherwise orders. Parties to the proceeding in the
50 Court of Appeals may indicate their support for, or opposition to, the motion. Any
51 response of a party to a motion for leave shall be filed within seven days of service of
52 the motion. If leave is granted, the proposed amicus brief will be accepted as filed and,
53 unless the order granting leave otherwise indicates, amicus curiae also will be permitted
54 to submit a brief on the merits, provided it is submitted in compliance with the briefing
55 schedule of the party the amicus curiae supports. Denial of a motion for leave to file
56 brief of an amicus curiae concerning a petition for certiorari shall not preclude a
57 subsequent amicus motion relating to the merits after a grant of certiorari. All motions
58 for leave to file brief of an amicus curiae on the merits after a grant of certiorari are
59 governed by Rule 25.

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